

### **Division 3. Air Resources Board**

---

## **Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices**

---

### **Article 3. Off-Highway Recreational Vehicles and Engines**

#### **§ 2410. Applicability.**

(a)(1) This article applies to all new off-highway recreational vehicles and engines manufactured for use in such vehicles produced on or after January 1, 1997, for sale, lease, use, and introduction into commerce in California. (See Note below.)

(2) New off-highway recreational vehicles and engines used in such vehicles, subject to any of the standards set forth in Article 3, shall be certified for use and sale by the Air Resources Board and covered by an Executive Order, pursuant to Section 2412 of this Article.

(b) Each part of this article is severable, and in the event that any part of this chapter or article is held to be invalid, the remainder of this article continues in full force and effect.

(c) This article includes provisions for certification, labeling requirements, emission standard enforcement, recall, and use restrictions.

Note: Under section 209(e)(2) of the Federal Clean Air Act (42 U.S.C. §7543(e)(2)), California is required to receive authorization from the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) prior to enforcing its regulations regarding new off-road vehicles and engines. Accordingly, the Air Resources Board will not seek to enforce the off-highway recreational vehicle regulations until such time as it receives authorization from the U.S. EPA.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104, 43105, 43107 and 43205.5, Health and Safety Code. Reference: Sections 43013, 43018, 43101, 43104, 43105, 43107 and 43205.5, Health and Safety Code.

#### **REFERENCE**

#### **§ 2411. Definitions.**

(a) The definitions in Section 1900(b), Chapter 1, Division 3, Title 13 of the California Code of Regulations, apply with the following additions:

(1) "All-Terrain Vehicle (ATV)" means any motorized off-highway vehicle 50 inches (1270mm) or less in overall width, designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and no passengers. The vehicle is designed to carry not more than 350 pounds (160 kg) payload, excluding the operator, and is powered by an internal combustion engine. Width shall be exclusive of accessories and optional equipment. A golf cart is not, for purposes of this regulation, to be classified as an all-terrain vehicle.

(2) "ARB Enforcement Officer" means any employee of the Air Resources Board so designated in writing by the Executive Officer of the Air Resources Board or by the Executive Officer's designee.

(3) "Assembly-Line Tests" are those tests or inspections which are performed on or at the end of the assembly-line.

(4) "Confirmatory testing" means an ARB directed follow-up emissions test and inspection of the test engine or test vehicle that had been used by the manufacturer to obtain test data for submittal with the certification application. The emissions tests can be conducted at ARB or contracted-out facilities or at the manufacturer's facility.

(5) "Crankcase Emissions" means airborne substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

(6) "Emission Control System" includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine.

(7) "End of Assembly-Line" is defined as that place where the final inspection test or quality-audit test is performed by the manufacturer.

(8) "Exhaust Emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.

(9) "Final Calendar Quarter Production" is defined as the calendar quarter in which the production of an engine family ends.

(10) "Fuel System" means the combination of any of the following components: fuel tank, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, evaporative controls and all fuel system vents.

(11) "Golf Cart" means a vehicle used to convey equipment and no more than two persons, including the driver, to play the game of golf in an area designated as a golf course. Golf carts are designed to have an unladen weight of less than 1,300 pounds and carry not more than 100 pounds, excluding passengers, accessories and optional equipment. A golf cart is not used for grounds keeping or maintenance purposes.

(12) "Manufacturer" means the engine or vehicle manufacturer that applies to have the vehicle or engine certified.

(13) "Off-Highway Recreational Vehicle Engines" or "Engines" are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, or alternate fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in, but not limited to use in, the following: off-road motorcycles, all-terrain vehicles, and golf carts. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

(14) "Off-Highway Vehicle (OHV) Area" is defined as a public land area in which the riding of off-highway recreational vehicles is allowed. These areas are managed by public land agencies, such as the California Department of Parks and Recreation, the Bureau of Land Management, the United States Forest Service, cities, counties, and other jurisdictions.

(15) "Off-Road Equipment and Vehicle" means any non-stationary device, powered by an internal combustion engine or electric motor, used primarily off the highways, to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Utility engines and Lawn and Garden Equipment, Off-Road Motorcycles, and Off-Highway Vehicles.

(16) "Off-Road Motorcycle" means any two- or three-wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways. These vehicles are mainly used for recreational riding on dirt trails but are not limited to this purpose.

(17) "Scheduled Maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(18) "Ultimate Purchaser" means the first person who in good faith purchases or leases a new engine, vehicle, or piece of equipment for purposes other than resale.

(19) "Unscheduled Maintenance" means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems which is performed to correct or diagnose a part failure which was not anticipated.

(20) "Vehicle Identification Number (VIN)" means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle. The VIN is unique to each vehicle and may contain information deemed necessary by governing agencies. If a manufacturer cannot obtain a federal VIN from the National Highway Traffic Safety Administration for their vehicles, an alternative VIN approved by the Executive Officer of the Air Resources Board may be used. Unless otherwise noted, the VIN and alternate VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, which are incorporated herein by reference.

(21) "Zero Emission Vehicle" means any vehicle which produces zero exhaust emissions of any criteria pollutant under any and all possible operational modes.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101 and 43107, Health and Safety Code. Reference: Sections 43013, 43018, 43101 and 43107, Health and Safety Code.

#### REFERENCE

**§ 2412. Emission Standards and Test Procedures -- New Off-Highway Recreational Vehicles and Engines.**

(a) This section applies to all off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997.

(b) For purposes of certification in California, manufacturers must comply with the following exhaust emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California. Exhaust emissions must not exceed:

**Emission Standards**

<i>Vehicle &amp; Model Year</i>	<i>Hydro- carbon</i>	<i>Oxides of Nitrogen</i>	<i>Carbon Monoxide</i>	<i>Particulate Matter<sup>1</sup></i>
Off-Road Motorcycles and All-Terrain Vehicles with Engines Greater Than 90cc <sup>3</sup> 1977 and Later (g/km) <sup>4</sup>	1.2 <sup>2</sup>	-	15.0	-
Off-Road Motorcycles and All-Terrain Vehicles with Engines 90cc or Less 1999 and Later (g/km)	1.2 <sup>2</sup>	-	15.0	-
All-Terrain Vehicle Option 1997 and Later	Shall comply with exhaust emission standards equivalent to the off-road motorcycle and all- terrain vehicle standard using the utility test procedures set forth in CCR, Title 13, section 2403, and the incorporated document "California Exhaust Emission Standards and Test Procedures for 1993 and Later Small Off-Road Engines," which is hereby incorporated by reference herein. <sup>5</sup>			
Golf Carts in Federal Ozone Non-Attainment Areas 1997 and Later	ZERO	ZERO	ZERO	ZERO
Off-Road Motorcycle and All-Terrain Vehicle Option: 1997 and Later Vehicles with Engines Greater Than 90 cc, and 1999 and Later Vehicles with Engines 90 cc or less	Vehicles and engines that do not meet the emissions standards noted above may be certified subject to the use restrictions described in subsection (f) below.			

1. Applicable to diesel and two-stroke spark ignited engines only.

2. Compliance with the 1.2 grams per kilometer HC standard to be applied as a "corporate average" shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.

3. Cubic centimeter.

4. Grams per kilometer.

5. Compliance with the equivalent all-terrain vehicle HC standard to be applied as a "corporate average" shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust emissions from new off-road motorcycles, all-terrain vehicles, and golf carts are set forth in "California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines," adopted November 23, 1994, and last amended October 22, 1999, which are hereby incorporated by reference herein and which in turn incorporate by reference Subparts E and F, Title 40, Code of Federal Regulations. Manufacturers of the following are not required to perform emissions testing, but must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California:

(A) Golf carts,

(B) Off-road motorcycles and all-terrain vehicles, and engines used in such vehicles, as described in subsection (f) below.

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from all-terrain vehicle engines (those engines utilizing the optional standards noted in (b) above) are set forth in "California Exhaust Emission Standards and Tests Procedures for 1995 and Later Small Off-Road Engines," adopted March 20, 1992, and last amended March 23, 1999.

(d) Compliance with a standard to be applied as a "corporate average" shall be determined as follows:

$$\frac{\sum_{j=1}^n \Gamma (\text{PROD})_{jx} (\text{STD})_{jx}}{\sum_{j=1}^n \Gamma (\text{PROD})_{jx}} = \text{STD}_{ca}$$

n	=	Off-road motorcycle and all-terrain vehicle engine families.
PROD <sub>jx</sub>	=	Number of units in family j produced for sale in California in model year x
STD <sub>jx</sub>	=	The manufacturer designated HC exhaust emission standard for engine family j in model year x, which shall be determined by the manufacturer subject to the following conditions: (1) no individual engine family exhaust emission standard shall exceed 2.5 g/km, and (2) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with "California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off- Highway Recreational Vehicles and Engines" adopted November 23, 1994, and shall be required to meet the manufacturer's designated HC exhaust emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.
STD <sub>ca</sub>	=	A manufacturer's corporate average HC exhaust from those California off-road motorcycles and all-terrain vehicles subject to the California average HC emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements:

(1) During the manufacturer's production year, for each vehicle produced for sale in California, the manufacturer must provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:

- (i) vehicle identification numbers and an explanation of the identification code if applicable;
- (ii) model number and engine size of vehicle;
- (iii) the total number of vehicles marketed and produced for sale in California and their applicable designated emissions standards.

(2) The manufacturer's average HC exhaust emissions shall meet the corporate average standard at the end of the manufacturer's production for the model year.

(3) Production and sale of vehicles which result in non-compliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, for each model the manufacturer shall submit California sales and registration data as it becomes available.

(e) As an option to the standards set forth in subsection (b) above, exhaust emissions from 1997 and later all-terrain vehicle engines must not exceed the equivalent to the off-road motorcycle and all-terrain vehicle standard using the test procedures set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Small Off-Road Engines", adopted March 20, 1992, and last amended March 23, 1999, which is hereby incorporated by reference herein.

(f) Off-road motorcycles and ATVs, and engines used in such vehicles, that do not meet the emissions standards in subsection (b) above may operate only during certain periods of time at certain off-highway vehicle (OHV) riding areas. Section 2415 of this Article lists these California OHV riding areas and their associated riding seasons for off-highway recreational vehicles that are subject to use restrictions.

(g)(1) On or after January 1, 1997, no new engines greater than 90cc may be produced for sale to replace off-road motorcycles, all-terrain vehicles and engines used in such vehicles, unless those engines comply with the emission control standards in effect at the time of replacement.

(2) On or after January 1, 1997, manufacturers may not produce for sale in federal ozone non-attainment areas of California new, non-zero emission engines for golf carts.

(3) On or after January 1, 1999, no new engines 90cc or less may be produced for sale to replace off-road motorcycle and all-terrain vehicle engines, unless those engines comply with the emission control standards in effect at the time of replacement.

(h) The Executive Officer may find that any off-road motorcycles, all-terrain vehicles or engines used in such vehicles certified to comply with California emission standards and test procedures for on-road or other off-road applications are in compliance with these regulations.

(i) No crankcase emissions shall be discharged into the ambient atmosphere from 1997 and later off-road motorcycles, all-terrain vehicles, golf carts, or engines used in such vehicles.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code. Reference: Sections 43013, 43018 and 43107, Health and Safety Code.

#### REFERENCE

### **§ 2414. New Off-Highway Recreational Vehicle Engine Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.**

This section applies to off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, except those certified according to section 2412(f), produced on or after January 1, 1997, for sale, lease, use or introduction into commerce in California. Off-road motorcycles, all-terrain vehicles, and engines used in such vehicles are subject to Title 13, California Code of Regulations, Chapter 2, Articles 2.1 through 2.3, and the incorporated Appendix A, "California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, and Motorcycles", which are incorporated by reference herein.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code.

#### REFERENCE

### **§ 2415. California Off-Highway Vehicle Areas and Riding Seasons for Off-Highway Recreational Vehicles with Use Restrictions.**

(a) The following table lists the public off-highway vehicle (OHV) areas of California designated for off-highway recreational vehicle operation, including off-highway motorcycle and ATV operation. Off-highway motorcycles and ATVs that are certified pursuant to section 2412(f) are permitted to operate in the areas noted below only during the applicable riding seasons noted. Off-highway motorcycles and ATVs that meet the emissions standards noted in section 2412(b) are not subject to riding season use restrictions. This table contains the following information: OHV area managing entities, OHV area names, and the applicable riding seasons.

Table 1  
OHV Areas and Their Riding Seasons for Vehicles With Use  
Restrictions

<i>OHV Area Managing Entity<sup>1</sup></i>	<i>OHV Area Name</i>	<i>Riding Season</i>
<i>Department of Parks and Recreation (DPR)</i>	Carnegie	Nov 1 - Apr 30
	Clay Pit	Nov 1 - Jun 30
	Hollister Hills	Oct 1 - May 31
	Hungry Valley	Oct 1 - Apr 30
	Ocotillo Wells	Oct 15 - May 15
	Oceano Dunes	Sep 15 - May 15
	Prairie City	Oct 15 - Apr 15
	Mammoth Bar	Oct 1 - May 31

*Bureau of Land Management (BLM)*  
Bakersfield District Office

	Clear Creek Management Area	Oct 1 - May 31
	Bishop Resource Area	Year-round
BLM Norcal		
	Fort Sage OHV Area	Year-round
	Samoa Dunes	Year-round
	Black Sands Beach	Year-round
	Chappie-Shasta ORV Area	Oct 1 - May 31
	South Cow Mountain Recreational Area	Year-round
	Knoxville Recreation Area	Year-round
California Desert District Office		
	Olancho Dunes	Year-round
	Spangler Hills	Oct 1 - May 31
	Jawbone Canyon/Dove Springs	Oct 1 - May 31
	Dumont Dunes	Nov 1 - Apr 30
	Stoddard Valley	Oct 1 - Apr 30
	Johnson Valley	Oct 1 - Apr 30
	Superstition Mountain	Oct 1 - May 31
	Imperial Sand Dunes (Glamis/Gecko)	Oct 1 - Apr 30
	Plaster City	Oct 1 - May 31
	Imperial Sand Dunes (Buttercup Valley)	Oct 1 - Apr 30
	Lark Canyon (McCain Valley)	Dec 1 - Jan 31
	Razor	Oct 1 - Apr 30
	Imperial Sand Dunes (Mammoth Wash)	Oct 1 - Apr 30
	El Mirage/Shadow Mountains	Nov 1 - Mar 15
	Rice Valley Dunes	Year-round
	Parker Strip	Year-round
<i>United States Forest Service (USFS)</i>		
Angeles National Forest		
	Mt. Baldy Ranger District	Dec 1 - Jan 31
	Rowher Flat	Nov 1 - Mar 31
	Tujunga Ranger District	Dec 1 - Jan 31
	Littlerock	Nov 1 - Mar 31
Cleveland National Forest		
	Corral Canyon	Dec 1 - Jan 31
	Wildomar	Dec 1 - Feb 28/29 <sup>a</sup>
Eldorado National Forest		
	Mace Mill—Rock Creek	Oct 15 - May 31
	Barrett Lake	Year-round

Inyo National Forest	Poleta	Year-round
Lake Tahoe Basin Management Unit	Kings Beach	Year-round
Los Padres National Forest	Alamo Mountain	Oct 15 - Apr 30
	Ballinger Canyon	Nov 1 - Mar 15
	Black Mountain (Pozo-LaPanza)	Oct 1 - Apr 30
	Santa Barbara Ranger District	Nov 15 - Mar 15
	Ortega Trail	Nov 15 - Mar 15
Mendocino National Forest	Davis Flat	Year-round
	Lake Pillsbury	Year-round
	Elk Mountain Area	Year-round
Plumas National Forest	Gold Lake	Year-round
	Dixie Mountain	Year-round
	Mosquito Creek/Antelope Lake/Lights Creek/Canyon Dam	Year-round
	Deadman	Year-round
	Springs/Snake Lake	Year-round
	Cleghorn Bar/Poker Flat/La Porte	Year-round
	Big Creek/Four Tees/French Creek/Bucks Summit	Year-round
San Bernardino National Forest	Lake Arroweard Area	Nov 1 - Feb 28/29 <sup>a</sup>
	Big Bear Lake Area	Nov 1 - Feb 28/29 <sup>a</sup>
	San Jacinto Area	Nov 1 - Feb 28/29 <sup>a</sup>
	Lytle Creek Area	Nov 1 - Feb 28/29 <sup>a</sup>
Sequoia National Forest	Tule River Ranger District	Nov 1 - Apr 30
	Frog Meadow Area	Nov 1 - Apr 30
	Kennedy Meadows	Year-round
Shasta-Trinity National Forest	Hayfork Area	Year-round
	McCloud Ranger District	Year-round
Sierra National Forest	Kings River	Nov 1 - May 31
	Shaver Lake Area	Nov 1 - May 31
	Hites Cove	Nov 1 - May 31
	Miami Creek	Nov 1 - May 31
Six Rivers National Forest	Smith Rivers NRA	Year-round

Stanislaus National  
Forest

Niagara Ridge	Year-round
Area/Herring Creek	
Date Flat	Oct 1 - May 31
Area/Moore Creek	
Area	
Deer Creek	Oct 1 - May 31
Area/Hull Creek	
Area	
Corral Hollow/Spicer	Oct 1 - May 31

Tahoe National  
Forest

Foresthill OHV Area	Oct 1 - May 31
Fordyce Jeep Trail	Oct 1 - May 31
Truckee Ranger	Year-round
District	
Prosser Hills Area	Year-round
Downieville Ranger	Year-round
District	

*Cities, Counties, or  
other Jurisdictions*

Frank Raines-Deer	Oct 1 - May 31
Creek OHV Park	
LaGrange ORV	Nov 1 - Mar 31
Park	
Park Moabi	Year-round
Riverfront Park ORV	Year-round
Area	
County of Santa	Nov 1 - Apr 30
Clara Motorcycle	
Park	
Black Butte Lake	Year-round

<sup>1</sup>The OHV area managing entities are indicated in italics, and the managing entity regions are indicated in regular text.

<sup>2</sup>In leap years, February 29 is the last day of February.

(b) The Executive Officer shall publish in the California Regulatory Notice Register and notify potentially affected OHV Area Managing Entities regarding revisions to Table 1 in subsection (a) at least 30 days before the revisions take effect, in the following situations:

(1) The Executive Officer may revise Table 1 in subsection (a) where there is a change in the designation (with respect to California Ambient Air Quality Standards), from ozone nonattainment to attainment, of an area in which an OHV area is located, provided that the attainment area is not identified as an upwind contributor to significant impacts to transport of ozone or ozone precursors as identified and defined in Section 70500, Title 17, California Code of Regulations.

(2) The Executive Officer may revise Table 1 in subsection (a) to reflect changes in the physical characteristics or identity of OHV Areas, including but not limited to changes in ownership or control of listed areas, addition or deletion of areas, or changes in the geographic domain of listed areas.

(c) Within five years from the effective date of adoption or date of implementation, whichever comes later, the Air Resources Board, in consultation with the Secretary for Environmental Protection, shall review the provisions of this section to determine whether it should be retained, revised or repealed.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code; and Sections 38020 and 38390, Vehicle Code. Reference: Sections 43013, 43018 and 43107, Health and Safety Code; and Governor's Executive Order W144-97.

REFERENCE